

DAVID WYNN MILLER, EDUARDO R. DIAO, and MARIA AIDA C. DIAO,
Plaintiffs,
v.
BANK OF AMERICA, N.A., PRLAP, INC.,
Defendants.

Case No.: 12-CV-05585-LHK
ORDER DISMISSING CASE WITHOUT
PREJUDICE

Moreover, Plaintiffs failed to comply with the Court's requirements regarding Case Management Conferences. On January 28, 2013, the Court set a Case Management Conference for March 27, 2013, and stated that the Case Management Statement was due by March 20, 2013. *See*

ECF No. 6. Plaintiffs failed to file a timely Case Management Statement in violation of Civil Local Rule 16-10 of the United States District Court for the Northern District of California. Plaintiffs also failed to appear at the Case Management Conference.

In light of Plaintiffs' failure to serve Defendants, failure to file a Case Management Statement, and failure to appear at the March 27, 2013 Case Management Conference, the Court, on April 1, 2013, ordered Plaintiffs to show cause why this case should not be dismissed for failure to prosecute.¹ ECF No. 9 ("OSC"). The Court ordered that Plaintiffs file a response to the OSC by April 12, 2013. The Court set a hearing on the OSC for April 17, 2013, at 2:00 p.m. The Court also advised Plaintiffs that if Plaintiffs failed to respond to the OSC and to appear at the April 17, 2013 hearing, Plaintiffs' case would be dismissed without prejudice for failure to prosecute.

Plaintiffs did not respond to the OSC. Plaintiffs also did not appear at the April 17, 2013 hearing. Accordingly, in light of Plaintiffs' failure to respond to the OSC and failure to appear at the OSC hearing, the Court hereby DISMISSES Plaintiffs' case without prejudice for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: April 17, 2013



LUCY H. KOH
United States District Judge

¹ This Order corrected an error in the Court's March 28, 2013 Order to Show Cause. ECF No. 8.